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Food & Consumer Packaged Goods Litigation

Class Certification Denied In Popcorners “All Natural” Suit

Nguyen v. Medora Holdings, LLC, No. 5:14-cv-00618 (N.D. Cal.): A court declined to certify declaratory and injunctive relief classes in this putative class action alleging that defendant's popped corn chip products labeled "All Natural" are misleading because they contain GMOs. The court found that plaintiffs lacked Article III standing because there was no evidence of a concrete legal harm and no evidence of a sufficient likelihood that plaintiffs will again be wronged in a similar way. Specifically, the court found that there was no injury-in-fact because while plaintiffs alleged that they paid defendant a price premium and that they were misled into buying Popcorners, the evidence showed that plaintiffs consumed other GMO-containing products and that defendant's sales increased after the "all natural" label was removed. Additionally, the court concluded that there was no likelihood of future harm because plaintiffs failed to express any intent to buy Popcorners in the future, because defendant changed the label in late 2013, and because plaintiffs presented no evidence to suggest that there was any "threat" that defendant would change its label back to include an "all natural" statement. [Order.](#)

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